

OPERATIONAL PROCEDURE FOR COMPLAINT/INCIDENT RESOLUTION

I. PURPOSE

To provide guidance for the investigation of allegations, in order to determine if licensing requirements have been violated as a result of failed facility practice. To address the management of complaints, including scheduling, taking necessary action, reporting investigative findings, and maintaining a statistical record of the investigative process.

II. AUTHORITY

[RCW 74.34.067](#) - Abuse of Vulnerable Adults

[RCW 18.20.185](#) - Boarding Homes

[RCW 70.128.070](#) - Adult Family Homes

[RCW 18.51.200](#) - Nursing Homes

III. OPERATIONAL PRINCIPLES

RCS has primary investigative responsibility for reports concerning allegations of vulnerable adult abuse, financial exploitation, abandonment, neglect, and misappropriation of resident funds. RCS investigates when the allegation concerns:

- An Adult Family Home (AFH), Boarding Home (BH), Nursing Home (NH) provider/licensee, and Intermediate Care Facilities for the Mentally Retarded (ICF/MR)
- An AFH/BH/NH/ICFMR provider/licensee, employee, or volunteer
- An AFH/BH/NH/ICFMR provider/licensee family member who resides in the residential facility

Each complaint/incident is unique. The investigation must be focused on the issue(s) and in those areas where Residential Care Services (RCS) has regulatory authority. Investigators may identify issues that need to be referred to other oversight or regulatory agencies for follow-up.

All prioritized complaints/incidents received by RCS regional offices must be investigated and processed in a manner and time frame appropriate to the nature of the allegation. Field Managers are responsible for ensuring complaints/incidents are logged, assigned, investigated, written and reviewed in accordance with RCS operational procedures.

Every effort must be made by the complaint investigator to complete interviews and data collection before exiting from the on-site investigation. Complainants are owed timely response to any allegations of abuse, neglect, or misappropriation.

IV. OPERATIONAL PROCEDURES

A. Filing a Complaint from the Field

When an individual contacts a regional office, the nature of the complaint should be evaluated. If it is appropriate to delay taking the information, the complainant should be

referred to call the toll-free number at 1-800-562-6078. If the person is in crisis, the Field Manager or staff should obtain:

- The name and phone number of the complainant
- The address and phone number of the facility
- The name of the resident(s), and
- Descriptive information regarding the nature of the problem

E-mail the information to the Complaint Resolution Unit (CRU), with the requested response prioritization and a brief justification of that response priority level. The CRU will make any necessary referrals.

If the issues are serious and immediate in nature, the Field Manager will immediately notify CRU and initiate appropriate and immediate investigation. Lack of an assigned complaint number or completed intake form shall not delay initiation of an investigation.

During a routine licensing inspection, any complaints of resident abuse must be reported to CRU to obtain a number. The Field Manager will decide if the complaint is to be investigated separately. Any other complaint that comes to the attention of the licensor or surveyor during an inspection becomes part of the inspection data.

B. Processing, Reviewing and Assignment of Complaints/Incidents

When a numbered complaint/incident from the CRU is received in the regional office the Field Manager:

- Must review the complaint/incident intake, the assigned CRU priority assignment, and any CRU referrals made at the point of intake.
- May change a priority assigned by the CRU based upon consideration of priority criteria and any known current issues in the facility. Requests for change in priority must be reported immediately to the CRU via e-mail.
- Must immediately assign it for investigation to appropriate staff, with additional instructions, if necessary.
- May recommend to CRU additional agency referrals not designated at time of CRU intake.

C. Review and Investigation:

After the complaint/incident has been assigned, the investigator must review the CRU intake form to identify any preliminary issues related to the allegation. Each issue/allegation should be numbered.

For “**incidents**”:

- Do not interview facility reporter prior to going onsite

For “**complaints**”:

- As each situation is unique the information in the intake needs to be carefully reviewed and then, a decision made as to whether the complainant should be interviewed prior to the onsite investigation. This applies to both public and mandated reporters (anyone not acting as an administrator or authorized official for the RCS provider). Most of the time, the complainant will be interviewed prior to initiation of the investigation.

Refer to the appropriate complaint investigator guidebook for questions to consider using when interviewing the complainant.

Attempt to contact the complainant by telephone for additional information. After three attempts, if the investigator is unable to make contact with the complainant, document times and dates attempts were made in the complaint narrative report.

D. Developing an Investigative Plan

Prior to investigating the complaint/incident onsite, the investigator should develop a brief written investigative plan to include:

- Focused interview questions
- Plans for protecting the confidentiality of the complainant and others identified in the complaint/incident
- Review elements of regulatory requirements pertinent to the allegation, and make preliminary regulation selection

In discussion with the Field Manager, determine if local law enforcement should be contacted to coordinate investigative activities and before conducting any onsite investigation. Determine if the investigation should be conducted in coordination with other respective entities (APS, DOH, HCS, etc.).

The investigator must attempt to conduct the onsite visit so that the visit is made at the time of day and/or day of the week the issue is most likely to reoccur; when the alleged perpetrator/caregiver may be working; or, when there might be short-staffing in the facility (if that is an alleged issue).

Initiate the on-site investigation within the priority timeframes established by the priority response time. All initiation must be done on-site (vs. by phone) to be considered timely.

Focus planned onsite observations from the alleged issues. If there is an existing investigative protocol, use that protocol's observation section as a guide.

Protect the identity of the involved resident(s) and complainant by expanding the sample of residents to be reviewed and/or look at more than one area of concern in the facility. Do not disclose information about the complainant, even if the complainant did not wish to remain anonymous. Maintain confidentiality of all records including the CRU intake form.

Interview the involved resident and/or surrogate unless there are compelling reasons for not doing so. Those reasons must be documented in the narrative report.

Investigate reported problems in a manner appropriate to the identified issues, including record review, resident, family and staff interviews, and direct observations. Refer to the appropriate complaint investigator guidebook for additional guidance related to the investigation of specific issues.

Contact and interview appropriate staff persons employed by the facility who are the subject of complaints. The staff member should be contacted at the facility during their regular working hours. The investigator must preserve the anonymity of aides or other staff who are acting as witnesses.

E. Off-site Activities and Final Determination

At the conclusion of the onsite visit, the investigator should be able to determine if failed facility practice has been identified. As identified by [Chapter 74.34 RCW](#), the investigator may need to interview “independent sources of relevant information” (collateral contacts) after the onsite investigation is completed. However, these collateral contacts are not required to be part of each investigation, and should be kept to a minimum number. Contacts with collateral contacts must be made in a timely manner.

The investigator must review and analyze all data pertinent to the complaint/incident and determine the failed facility practice, if any.

Coordinate enforcement recommendations with the Field Manager. Call the provider to summarize the findings, and to identify if there are additional deficiencies or changes to previously identified deficiencies discussed during the exit conference.

Make any necessary referrals following the established [CRU Complaint/Incident Referral Processing Procedure](#).

F. Report Writing

Any Statement of Deficiencies must be written according to principles of documentation and enforcement principles (see pertinent MBs), and only after consultation with the Field Manager.

For each investigation completed, the investigator must write a narrative report, written in a publicly disclosable format. The narrative should not include information which might identify the resident or the complainant. The narrative should not repeat specific detail information already contained in related statements of deficiency or consultation letters.

The following format should be used for narrative reports:

- Heading
- Issue
- Findings
- Conclusions
- Action Taken

Refer to the complaint narrative report writing procedure for additional information.

G. Complete Investigative Packet

The investigator must forward complaint packets to the Field Manager in the following organized manner:

- Narrative report
- SOD and POC if applicable
- Intake form
- Completed complaint closure face sheet

H. Complaint Closure

After the complaint packet is reviewed by the Field Manager, the complete packet should be forwarded to the Complaint Resolution Unit (CRU) at headquarters.

Completed complaint documentation should be submitted to CRU Central Files in the order outlined in [MB #R06-068](#).

Serial data entry requirements into automated tracking systems should be completed as directed.